

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
HP/ SUPERIOR, INC.)	CASE NO. 14-71797 - PWB
)	
<u>Debtor.</u>)	
)	
)	
S. GREGORY HAYS, Trustee of the Estate of)	CONTESTED MATTER
HP/Superior, Inc.,)	
)	
Objector,)	
)	
vs.)	
)	
JAMES A. FAUNCE-ZIMMERMAN,)	
)	
Claimant.)	
)	

**NOTICE OF REQUIREMENT OF RESPONSE TO OBJECTION TO PROOF OF
CLAIM NO. 27-1 FILED BY JAMES A. FAUNCE-ZIMMERMAN, OF DEADLINE FOR
FILING RESPONSE, AND OF HEARING**

PLEASE TAKE NOTICE that S. Gregory Hays, Trustee for the estate of HP/Superior, Inc., has filed an Objection to the above-referenced claim seeking an order to disallow the claim as a priority Domestic Support Obligation claim and to allow the claim as an unsecured claim in the amount of \$2,775.00 having priority under 11 U.S.C. § 507(a)(7) and as a non-priority, general unsecured claim in the amount of \$330.00.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, or if you want the court to consider your views, then on **or before January 3, 2022**, you or your attorney must:

- (1) File with the court a written response, explaining your positions and views as to why your claim should be allowed as filed. The written response must be filed at the following address:

Clerk, United States Bankruptcy Court
1340 Richard B. Russell Building
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303

If you mail your response to the Clerk for filing, you must mail it early enough so that the Clerk will **actually receive** it on or before the date stated above.

- (2) Mail or deliver a copy of your written response to the Objector's attorney at the address stated below. You must attach a Certificate of Service to your written response stating when, how, and on whom (including addresses) you served the response.

If you or your attorney file a timely response, the Court will hold an initial telephonic hearing for announcements on the Objection at the following number: toll free number 833-568-8864; Meeting ID 161 794 3084 at **10:00 a.m. on January 6, 2022** in Courtroom **1401**, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the "Hearing Information" tab on the judge's webpage, which can be found under the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the webpage for this Court, www.ganb.uscourts.gov for more information.

You or your attorney must attend the hearing and advocate your position.

Dated: November 30, 2021

ARNALL GOLDEN GREGORY LLP

By: s/ Michael J. Bargar
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Attorneys for Trustee

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vs.)	
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JAMES A. FAUNCE-ZIMMERMAN,)	
)	
Claimant.)	
)	

**OBJECTION TO PROOF OF CLAIM NO. 27-1 FILED BY
JAMES A. FAUNCE-ZIMMERMAN**

COMES NOW S. Gregory Hays, the Chapter 7 Trustee herein (“Trustee”) and objects to Proof of Claim No. 27-1 filed by the James A. Faunce-Zimmerman (“Claimant”), by showing the Court as follows:

1.

Debtor initiated this case (Case No. 14-71797-PWB) (the “Case”) by filing a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code on November 3, 2014 (the “Petition Date”).

2.

On January 6, 2015, Superior Healthcare Investors, Inc. (“Superior”) filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, initiating Case No. 15-50439-PWB in the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division (the “Superior’s Case”).

3.

On February 3, 2015, this Court entered an order [Doc. No. 59] authorizing the joint administration of the Case and Superior’s Case pursuant to 11 U.S.C. § 1015(b).

4.

On October 27, 2015, the Court entered an order [Doc. No. 141] directing the appointment of Chapter 11 trustees on behalf of Debtor and Superior.

5.

On October 30, 2015, the Court entered an order [Doc. No. 146] approving Trustee as Chapter 11 Trustee for Debtor, and on the same day the Court entered an order [Doc. No. 23; Case No 15-50439-PWB] appointing Cathy L. Scarver as Chapter 11 Trustee in the Superior’s Case.

6.

On November 17, 2015, the Court entered an order [Doc. No. 168] converting the Case and Superior’s Case to cases under Chapter 7 of Title 11 and severing their joint administration.

7.

On November 23, 2015, the United States Trustee appointed Trustee as the Chapter 7 Trustee in the Case. [Doc. No. 170]. Trustee held and concluded the Section 341 meeting of creditors on January 12, 2016, and Trustee is now the permanent Chapter 7 Trustee in the Case.

8.

A Notice (Docket No. 182) was issued on January 25, 2016, setting April 25, 2016 as the last day to file proofs of claim in this case.

9.

On May 7, 2021, a bar order (Docket No. 263) was entered setting June 11, 2021 at the last day to file Motions Seeking Authorization of Administrative Expense Claims.

10.

On February 8, 2016, Claimant filed Claim No. 27-1 as a priority claim for a Domestic Support Obligation in the amount of \$3,105.00 and indicated that the claim was based upon “service not provided.”

11.

Upon information and belief, Claimant may have been a former resident at the Debtor’s St. Francis location. As such, Claimant would have a consumer deposit priority claim in the amount of \$2,775.00 pursuant to 11 U.S.C. § 507(a)(7). Therefore, the claim should be allowed as a priority, unsecured claim in the amount of \$2,775.00 and as a non-priority, general unsecured claim in the amount of \$330.00.

12.

As a result, Trustee objects to the Claim.

WHEREFORE, Trustee respectfully requests that the Court:

- a) Allow Claim No. 27-1 as an unsecured claim in the amount of \$2,775.00 having priority under 11 U.S.C. § 507(a)(7) and as a non-priority, general unsecured claim in the amount of \$330.00; and

b) Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted, this 30th day of November, 2021.

ARNALL GOLDEN GREGORY LLP

By: s/ Michael J. Bargar
Michael J. Bargar, Ga. Bar No. 645709
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Suite 2100
Atlanta, Georgia 30363-1031
(404) 873-8500
michael.bargar@agg.com

Attorneys for Trustee

CERTIFICATE OF SERVICE

This is to certify that I, Michael J. Bargar, am over the age of 18 and that I have this day served a true and correct copy of the foregoing *Notice Of Requirement Of Response To Objection To Proof Of Claim No. 27-1 Filed By James A. Faunce-Zimmerman, Of Deadline For Filing Response, And Of Hearing and Objection To Proof Of Claim No. 27-1 Filed By James A. Faunce-Zimmerman* as set forth below on those persons or entities at the address stated:

First Class Mail:

Office of the United States Trustee
362 Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

First Class Mail:

James A. Faunce-Zimmerman
P.O. Box 86
Wascott, WI 54890

First Class Mail:

David S. Weidenbaum
Office of the United States Trustee
362 Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

First Class Mail:

S. Gregory Hays
Hays Financial Consulting, LLC
2964 Peachtree Rd, NW, Suite 555
Atlanta, GA 30305

First Class Mail:

Ashley Reynolds Ray
Scroggins & Williamson One Riverside, Suite 450
4401 Northside Parkway
Atlanta, GA 30237

First Class Mail:

HP/Superior, Inc.
5174 McGinnis Ferry Road
Suite 195
Alpharetta, GA 30005

This 30th day of November, 2021.

/s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709